

FORM PTO-1390  
(REV. 10-2003)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTORNEY'S DOCKET NUMBER  
10191/3730**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/524129**INTERNATIONAL APPLICATION NO  
PCT/DE03/02172INTERNATIONAL FILING DATE  
30 June 2003  
(30.06.03)PRIORITY DATE CLAIMED:  
10 August 2002  
(10.08.02)

## TITLE OF INVENTION

**METHOD, COMPUTER PROGRAM AND OPEN- AND/OR CLOSED-LOOP CONTROL UNIT FOR  
OPERATING AN ACTUATOR HAVING A CAPACITATIVE ELEMENT, AND INTERNAL COMBUSTION  
ENGINE**

## APPLICANT(S) FOR DO/EO/US

**KNICKER, Rainer; SCHULZ, Udo; HUBER, Andreas; RUEGER, Johannes-Joerg**

Applicants herewith submit to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) (unsigned).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A Substitute Specification and Marked-Up Version of the Substitute Specification
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: International Search Report (translated), and Form PCT/RO/101.

Express Mail No.: EV 321888562 US

The PTO did not receive the following  
listed item(s) References by IDS

U.S. APPLICATION NO. <b>10/524129</b> INTERNATIONAL APPLICATION NO. <b>CT/DE03/02172</b>				ATTORNEY'S DOCKET NUMBER <b>10191/3730</b>	
21. <input checked="" type="checkbox"/> The following fees are submitted:  <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b>  <input checked="" type="checkbox"/> Basic National Stage Fee ..... <b>\$300.00</b> <input checked="" type="checkbox"/> National Stage Search Fee ..... <b>\$400.00</b> <input checked="" type="checkbox"/> National Stage Examination Fee ..... <b>\$200.00</b>				CALCULATIONS      PTO USE ONLY	
<b>TOTAL ABOVE CALCULATIONS =</b>				<b>\$900.00</b>	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months From the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	15 - 20 =	0	X \$50.00	\$	
Independent Claims	4 - 3 =	1	X \$200.00	\$200	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,100.00</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
<b>SUBTOTAL =</b>				<b>\$1,100.00</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months From the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				<b>\$1,100.00</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be Accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +				\$	
<b>TOTAL FEES ENCLOSED =</b>				<b>\$1,100.00</b>	
				Amount to be Refunded:	
				Charged <b>\$1,100.00</b>	
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <b>11-0600</b> in the amount of <b>\$1,100.00</b> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>11-0600</b> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card          information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: KENYON & KENYON One Broadway New York, New York 10004 CUSTOMER NO. 26646			<div style="text-align: right;">             SIGNATURE            Richard L. Mayer (Reg. No. 22,490)            NAME            2/10/05            DATE         </div> <div style="text-align: right; margin-top: 20px;">           P. no.            36,197         </div>		